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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,248	02/19/2002	William Harold Falberg		1804
7590 02/15/2005				
William Harold Falberg		EXAMINER		
1942 White #2		ALIE, GHASSEM		
Grand Junction, CO 81501		ART UNIT PAPER NUMBER		
		3724		

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,248

Applicant(s)

FALBERG, WILLIAM HAROLD

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 9-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 9-14, drawn to a bandsaw machine including a blade guide bracket having adjustable means to support two radially opposed thrust rollers and two radially opposed pinch rollers, classified in class 83, subclass 820.
 - II. Claim 15, drawn to a device to add reverse and forward thrust support to a single-edged blade guide assembly of prior art including a circumferentially smooth prior art thrust roller, classified on class 83, subclass 698.91.
 - III. Claim 16, drawn to a bandsaw with opposing thrust rollers including a double-edged bandsaw blade with saw teeth and a blade guide having one of its thrust supports rollers smooth and round to accommodate a single-edged blade, classified on class 83, subclass 661.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the invention of Group I including a blade guide bracket having adjustable means to support two radially opposed thrust rollers and two radially opposed pinch rollers has a separate utility such as it could be used without the single-edged blade guide assembly of prior art including a circumferentially smooth prior art thrust roller of invention of Group II; conversely, the invention of group II including a single-edged blade guide assembly of prior art having a circumferentially smooth prior art thrust roller has a separate utility such as it could be

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used without the blade guide bracket having adjustable means to support two radially opposed thrust rollers and two radially opposed pinch rollers of invention of Group I.

See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their divergent subject matter, restriction for examination purpose as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor or at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Comment

6. It should be noted that claim 15 is written in an improper format, since it is not clear whether the claim is an independent claim or a dependent claim. However, it is assumed that the claim is a depended claim; therefore, it was included in restriction requirement in a separate group. In addition, claim 15 refers to the prior art and set forth limitations regarding the components of the prior art, which is improper and does not comply with

35 U.S.C. 112, second paragraph. Furthermore, claims are not written in clear and precise language and they are confusing. For example, it is not clear whether a double-edge saw-toothed bandsaw blade is claimed in claim 1 or not. The double-edge blade is mentioned in the preamble of claim 1 but it has not been positively claimed in claim 1. Therefore, the saw blade as set forth in the dependent claims 10-14 lack antecedent basis, since the saw blade has not been positively claimed in the independent claim 1. Regarding claims 1, it is also not clear how many adjustable means are associated with the blade guide bracket. It is suggested that the applicant review the claims and amend the claims in a clear and precise language. The amended claims can be submitted with the response to this restriction requirement. The specification has not been reviewed yet, but it appears that the specification has been totally amended. Examiner will determine whether new matter has been added to the specification or not in the next Office action, which will be a response to applicant's reply to this restriction requirement set forth in this Office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

February 11, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700